

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MARK A. MAYS,

Plaintiff,

v.

Civil Action 2:10-cv-00613

Judge James L. Graham

Magistrate Judge E. A. Preston Deavers

STATE OF OHIO, *et al.*,

Defendants.

ORDER

This matter is before the Court for consideration of the May 2, 2011 Report and Recommendation of the Magistrate Judge. (ECF No. 21.) The Magistrate Judge recommended that the Court grant the State of Ohio's Motion to Dismiss.

The Report and Recommendation of the Magistrate Judge specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report & Recommendation 2, ECF No. 21.) The time period for filing objections to the Report and Recommendation has expired. No party has objected to the Report and Recommendation.

The Court reviewed the Report and Recommendation of United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing such objections has expired,

the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Accordingly, the Court **GRANTS** the Motion to Dismiss (ECF No. 15) and **DISMISSES** the State of Ohio from this case.¹

It is so ORDERED.

s/James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: May 26, 2011

¹ Defendant Amy Weiss remains in this case.